

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 16-0217V

Filed: June 30, 2016

Unpublished

SANDRA RETZLAFF,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;
Influenza ("Flu") Vaccine; Shoulder
Injury Related to Vaccine Administration
("SIRVA"); Special Processing Unit
("SPU")

Jeffrey S. Pop, Attorney at Law, Beverly Hills, CA, for petitioner.

Traci R. Patton, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On February 12, 2016, Sandra Retzlaff ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,² (the "Vaccine Act" or "Program"). Petitioner alleges that as a result of an influenza ("flu") vaccination on November 14, 2013, she suffered a shoulder injury related to vaccine administration ("SIRVA"). Pet. at 1. The case was assigned to the Special Processing Unit ("SPU") of the Office of Special Masters.

On June 29, 2016, respondent filed her Rule 4(c) Report in which she concedes that petitioner is entitled to compensation in this case. Rule 4(c) Rep. at 1. Specifically, respondent stated that the evidence establishes that petitioner's injury is consistent with SIRVA, and that the injury was caused in fact by her flu vaccination on November 14,

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012)(Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

2013. *Id.* at 4-5. Respondent further stated that petitioner met all statutory and jurisdictional requirements, including having suffered the condition for more than six months. *Id.* at 5. Thus, respondent concludes that entitlement to compensation is appropriate under the terms of the Vaccine Act. *Id.*

In view of respondent's concession and the evidence of record, the undersigned finds that petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master